

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 23

Filed by: Interference Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
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Filed:
22 January 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN W. PARCE, and ANNE R. KOPF-SILL
Junior Party
(U.S. Patent 5,869,004),

v.

PAUL YAGER, JAMES P. BRODY, MARK R. HOLL,
FRED K. FORSTER and PAUL C. GALAMBOS
Senior Party
(Application 09/500,398).

FAXED

JAN 22 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 104,811

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge

JUDGMENT PURSUANT TO 37 CFR § 1.662

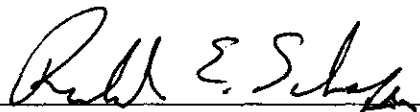
Senior party Yager has expressly abandoned involved Application, 09/500,398. See Paper 22. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Accordingly, it is

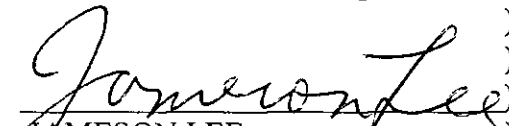
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the senior party, PAUL YAGER, JAMES P. BRODY, MARK R. HOLL, FRED K. FORSTER and PAUL C. GALAMBOS;

FURTHER ORDERED that senior party, PAUL YAGER, JAMES P. BRODY, MARK R. HOLL, FRED K. FORSTER and PAUL C. GALAMBOS, is not entitled to a patent containing claims 18 and 19 (corresponding to Count 1) of Application 09/500,398;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,869,004 and in Application 09/500,398; and

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge


JAMESON LEE
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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